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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/611,659

06/30/2003

Mohamed Al-Kaabi

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21324

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11/23/2005

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EXAMINER

LE, MARK T

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/611,659

Applicant(s)

AL-KAABI ET AL.

Examiner

Mark T. Le

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9 and 11-49 is/are pending in the application.
- 4a) Of the above claim(s) 2, 9, 12-29, 36, 37, 39-41 and 43-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-8, 11, 30-35, 38, 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is responsive to the amendments filed on October 20, 2005. Applicant's amendments and remarks have been carefully considered.

2. Claims 1, 3, 5, 7, 8, 11, 30-35, 38 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida (US 5,343,812) in view of Weber (US 3,399,631).

Ishida, Figure 2, shows a multi-unit articulated railroad car similar to that recited in the instant claims, including a number of car units that consists of an uneven number of units, articulated connectors that comprises male and female portions 14, 12, respectively; wherein, the articulated connectors are arranged symmetrically relative to the transverse centerline of the railroad car. It is noted that Plager does not shows side bearing arms as recited in the instant claims.

Weber discloses articulated railway car having a plurality of units connected together by articulated connectors and included side bearing arms 73,74, 76,77, as shown in Figures 2 and 3.

In view of Weber, it would have been obvious to one skilled in the art to provide side bearing arms to the interconnected units of Ishida, in a manner similar to that taught by Weber, so as to control side sways of the car units.

Regarding the instant claimed distances between the side bearing arms, as recited in instant claims 33-35, it is noted that a wider the distance between the pair of side bearing arms 73,76 or 74,77 of Weber provides greater support against side swaying, but longer bearing arms are required to accommodate car travel about track curves; on the other hand, the opposites to the above are true for the shorter distance

Art Unit: 3617

between the pair of side bearing arms. Accordingly, it would have been obvious to one skilled in the art to choose a distance, including the instant claimed distance, for use between the side bearing arms of Ishida, as modified in view of Weber, so as to achieve a desired balance between the swaying factor and the feasible side bearing arm length.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Pileggi (US 5,207,161).

Regarding the car unit having a well for accommodating intermodal cargos, consider the car units of Pileggi. In view of Pileggi, it would have been obvious to one skilled in the art to configure the car units of Ishida as well car units, similar to that taught by Pileggi, so as to allow accommodation of intermodal cargos.

4. Applicant's arguments have been considered but are not persuasive because Applicant's arguments fail to account for the level of skill of an artisan when considering the above references.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri (2:00-8:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark T. Le  
Primary Examiner  
Art Unit 3617

mle  
11/15/05